

Message Text

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P 041513Z MAR 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 8424

USMISSION USBERLIN PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY BERLIN PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BONN 03584

E.O. 11652: GDS

TAGS: PGOV, PINT, PINS, WB, GW

SUBJECT: LORENZ KIDNAPPING

REF: BONN 03488

1. FRG JUSTICE MINISTER VOGEL (SPD) AND INTERIOR MINISTER MAIHOFFER (FDP) GAVE A JOINT PRESS CONFERENCE AFTERNOON OF MARCH 3 IN BONN ON SUBJECT OF LORENZ KIDNAPPING. MAIHOFFER OPENED BY CONFIRMING THAT THE DECISION TAKEN TO MEET THE KIDNAPPERS' DEMANDS HAD BEEN TAKEN NOT REPEAT NOT BY THE FRG FEDERAL GOVERNMENT OR BY ANY OF THE LAENDER AFFECTED, BUT TOGETHER BY "ALL OF THE CONSTITUTIONALLY COMPETENT ORGANS" OF THE STATE. AT THE SAME TIME, MAIHOFFER SAID, THESE DECISIONS ARE NOT INDICATIONS OF WEAKNESS OF THE STATE, BUT OF THE CONFIDENCE IN THE FACT THAT THE RULE OF LAW WILL PREVAIL IN THE FINAL ANALYSIS AGAINST EVEN SUCH EXTREME CHALLENGES AS THOSE OF THE KIDNAPPERS.

2. JUSTICE MINISTER VOGEL THEN EMPHASIZED PARTICULARLY THE COMMONALITY OF THE DECISION TO MEET THE KIDNAPPERS' CONFIDENTIAL

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DEMANDS. HE SAID THE JUSTICE MINISTERS AND INTERIOR

MINISTERS OF THE LAENDER AND OF THE FRG HAD AGREED UNANIMOUSLY THAT LEGAL POSSIBILITIES FOR RELEASE OF THE CRIMINALS WERE AVAILABLE. HE RESPONDED TO A QUESTION BY SAYING THAT THE DECISIONS IN THIS CASE WERE NOT OF PRINCIPLE AND THAT POSSIBLE FUTURE CASES MIGHT BE HANDLED DIFFERENTLY. THE SPD MINISTER CITED PARAGRAPH 34 OF THE GERMAN CRIMINAL CODE (SEE PARA 4) AS THE LEGAL BASIS FOR THE AUTHORITIES RELEASING THE CONVICTED TERRORISTS IN EXCHANGE FOR LORENZ. VOGEL ADDED THAT THE FRG HAD BEEN INVOLVED IN SEEKING LANDING PERMISSION FOR THE RELEASED CRIMINALS SINCE THAT WAS A PART OF THE EFFORTS TO OBTAIN LORENZ' RELEASE. HE SAID "WE ASSUME" THAT LORENZ WILL BE RELEASED UPON THE RETURN TO THE FRG OF PASTOR ALBERTZ.

3. FRG SPOKESMAN BOELLING IN SUPPORT OF VOGEL'S COMMENT THAT A PRECEDENT HAD NOT BEEN SET IN THE LORENZ CASE SAID, "THE DECISION SHOULD NOT BE MISUNDERSTOOD EITHER BY THE KIDNAPPERS OR OTHER TERRORISTS. THE GOVERNMENT HAS NOT ISSUED A CARTE BLANCHE."

4. CRIMINAL CODE PARA. 34. JUSTIFYING EMERGENCY:
"WHOEVER COMMITS AN ACT WITH RESPECT TO A PRESENT AND NOT OTHERWISE AVOIDABLE DANGER TO LIFE, LIMB, FREEDOM, HONOR, PROPERTY OR SOME OTHER RIGHT, IN ORDER TO AVERT DANGER FOR HIMSELF OR ANOTHER, DOES NOT ACT CONTRARY TO THE LAW IF, IN THE BALANCING OF THE CONFLICTING INTERESTS, NAMELY OF THE AFFECTED RIGHTS AND THE DEGREE OF THE DANGER THREATENING THEM, THE PROTECTED INTEREST SUBSTANTIALLY OUTWEIGHS THE DETRIMENTALLY AFFECTED RIGHT. THIS APPLIES, HOWEVER, ONLY INsofar AS THE ACT IS A REASONABLE

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MEANS FOR AVERTING THE DANGER."

5. COMMENT: THE GOVERNMENT'S STATEMENT IS A FURTHER ATTEMPT TO BROADEN THE POLITICAL RESPONSIBILITY FOR CAPITULATING TO THE KIDNAPPERS DEMANDS AND TO DAMPEN POSSIBLE POLITICAL CRITICISM ONCE THE AFFAIR IS OVER. AS FOR FUTURE CONSEQUENCES THE STATEMENT THAT THE FRG'S HANDLING OF THE AFFAIR DID NOT SET A PRECEDENT IS UNLIKELY TO CONVINCE POTENTIAL TERRORISTS. THE WORDING OF PARA 34 OF THE CRIMINAL CODE (WHICH CAME INTO FORCE JANUARY 2 THIS YEAR) WOULD ALSO SEEM TO INDICATE THAT IN THE FUTURE THE GOVERNMENT CAN BE EXPECTED TO PLACE A HIGHER VALUE ON THE LIVES OF HOSTAGES THAN ON MAIN-
MEANS FOR AVERTING THE DANGER."

5.

6. ACCORDING TO "GENERAL ANZEIGER", MARCH 4, A POLL TAKEN OVER THE WEEKEND FOR "STERN" MAGAZINE INDICATED THAT 56 PERCENT OF THOSE QUESTIONED ABOUT THE LORENZ
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KIDNAPPING SUPPORTED GIVING IN TO THE DEMANDS OF THE TERRORISTS QND 31 PERCENT SUPPORTED A "TOUGH" POSITION EVEN IF IT RISKED LORNNZ' LIFE. THIRTEEN PERCENT OF THOSE QUESTIONED WERE UNDECIDED. IN THE POLL MORE MEN (37 PERCENT) THAN WOMEN (26 PERCENT) SUPPORTED A TOUGH LINE AGAINST GIVING IN TO THE DEMANDS OF TERRORISTS.

7. NEXT WEEK THE BUNDESTAG IS SCHEDULED TO DISCUSS "INTERNAL SECURITY" BASED ON CDU/CSU AND BUNDES RAT PROPOSALS FOR CHANGES IN THE GERMAN CRIMINAL CODE, AND THE GOVERNMENT IS EXPECTED TO ISSUE A STATEMENT CONCERNING THE HANDLING OF THE LORENZ CASE. IN THE WAKE OF THE LORENZ KIDNAPPING A HEATED DEBATE CONCERNING THE SOCIAL/LIBERAL COALITION'S POLICY REGARDING INTERNAL

SECURITY CAN BE EXPECTED.

HILLENBRAND

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